IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 15263 of 1999

Between:

K.Ravinder S/o.Sri.K.Rajalingam
R/o.Mutcherla-Nagaram (via) Hasanparthi
Warangal Dist.

..... PETITIONER

AND

1 The Sub-Divisional Engineer Phones,Pothana Telephone Bhavan
Warangal Dist.
2 The Telecom District Manager
Near KMC, Warangal.
3 The Director-General Telecom (Representing Union of India)
New Delhi.
4 The Registrar Central Administrative Tribunal
Hyderbad Bench, 1st Floor Haca Bhavan
Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to To issue an appropriate writ,order or direction, more particualrly one in the nature of Writ of mandamus declaring that the Hon'ble Tribunal was in error in holding that the petitioner is not entitled to any backwages from 1-3-1986 and that he should be re-engaged instead of being reinstated and consequently to hold that the petitioner is entitled to reinstatement with continuity of service and backwages and for all other

benefits which are consequential and incidental to such reinstatement including grant of temporary status w.e.f.1-10-1989 and the benefits thereof and absorption as a Group 'D' employee according to his turn in the seniority list of Casual Mazdoors of Warangal Telecom District as on the date of his intial recruitment/employment, viz., 1-3-1986 besides granting him any other appropriate relief or reliefs.

Counsel for the Petitioner:MR.C.SURYANARAYANA

Counsel for the Respondent No.: MR.ARAJASHEKAR REDDY (SC FOR CG)

The Court made the following :

ORAL ORDER: (By GB.J.)

The Writ Petition is filed assailing the order passed by the Central Administrative Tribunal (for short Tribunal) in O.A.No.699 of

1997, dated 20.4.1999.

The petitioner is the applicant before the Tribunal. He challenged the oral termination order effected by the respondents. It was his case that from 1986 onwards he was continuing as casual labour and though the services of similarly situate persons were regularized, he was illegally terminated from service in pursuance of Section 25(F) of the Industrial Disputes Act. The learned Tribunal considering the matter elaborately held that the continuance of the petitioner as casual labour was not justified and therefore directed the authorities to re-engage the petitioner within thirty days from the date of the order. The Tribunal granted the following relief, which is extracted below:

"It is therefore directed that the applicant be re-engaged forthwith or at any rate not later than 30 days from the date of receipt of copy of this order.

The applicant shall not be entitled to any back wages from 1.3.1986 till the date of his engagement. However, his wages at the rate of $1/30^{th}$ of the minimum in the pay scale of Group-D shall be calculated in respect of the period he was engaged from 1.3.1986 to 23.9.1995, and disbursed to him within four months after his engagement".

However, not satisfied with the relief granted by the Tribunal, the petitioner filed the present Writ Petition.

The learned counsel for the petitioner submits that the petitioner was not regularized in service along with similarly situate employees and by virtue of the orders of the Tribunal, he was made junior to those employees and due to this his service was affected and therefore the order of the Tribunal is liable to be set aside.

We have also heard the learned Standing Counsel for the Central Government.

We are afraid we cannot accept the contention raised by the learned counsel for the petitioner. The Tribunal even taking into consideration the oral termination order, adjudicated the matter and directed the authorities to re-engage the petitioner forthwith and also directed payment of 1/30th of the minimum wages in respect of the days he was engaged. Under those circumstances we do not find any illegality or irregularity in the order passed by the Tribunal.

Accordingly the Writ Petition is dismissed. However, we leave it open to the petitioner to make appropriate representation with regard to the seniority and other benefits on par with the similarly situate persons and the same may be considered by the authority concerned and dispose of the same in accordance with the Rules. There shall be no order as to costs.

(G.BIKSHAPATHY, J.)

10th December, 2004.

(P.S.NARAYANA, J.)

SSR

To

1 The Sub-Divisional Engineer Phones,Pothana Telephone Bhavan
Warangal Dist.
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Near KMC, Warangal.
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